

K.A.R. 9-18-13. Primary enclosures. (a) Construction. Each primary enclosure shall be designed and constructed of suitable materials so that the primary structure is structurally sound. Each licensee shall keep the primary enclosure in good repair.

(b) Maintenance. Each primary enclosure shall be constructed and maintained so that the primary enclosure meets the following conditions:

(1) Provides all the animals with shelter and protection from extreme temperatures and weather conditions that could be uncomfortable or hazardous;

(2) provides sufficient shade to protect from direct sun all the animals housed in the primary enclosure simultaneously;

(3) has floors that are constructed in a manner that protects the animals' feet and legs from injury. If the floor is constructed of mesh or slats, the floor shall not allow the animals' feet to pass through any openings in the floor. If any metal strands are used to construct a suspended floor for the primary enclosure, the metal strands shall be nine-gauge wire or wire that is greater than 1/8 of an inch in diameter or shall be coated with plastic, fiberglass, or a comparable material. If any suspended floor is used in a primary enclosure, that floor shall be strong enough that the floor does not sag or bend between structural supports; and

(4) if stacked cages are used to house animals, provides an impervious barrier between the levels of stacked cages. The barrier may be removed as needed for cleaning.

(c) Additional requirements for cats. The requirements of this subsection shall be in addition to the requirements in subsection (a), (b), and (e).

(1) Space. The licensee shall provide the following minimum vertical space and floor space for each cat that is housed in the primary enclosure, including any weaned kitten:

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(A) Each primary enclosure housing cats shall be at least 24 inches (60.96 centimeters) high.

(B) Each cat weighing not more than 8.8 pounds (4 kilograms) shall be provided with at least 3.0 square feet (0.28 square meters) of floor space.

(C) Each cat weighing more than 8.8 pounds (4 kilograms) shall be provided with at least four square feet (0.37 square meters) of floor space.

(D) Each queen with nursing kittens shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics and in accordance with generally accepted husbandry practices.

(E) The minimum floor space required by this subsection shall not include any space occupied by food or water pans. The litter pan may be considered part of the floor space if the pan is cleaned and sanitized.

(2) Litter. The licensee shall provide a receptacle in each primary enclosure that contains sufficient clean litter to contain excreta and other body wastes.

(3) Resting surfaces. Each primary enclosure housing cats shall contain one or more elevated resting surfaces that, when added together, are large enough to hold simultaneously all the occupants of the primary enclosure comfortably. Low resting surfaces that do not allow the space under them to be comfortably occupied by the animal shall be counted as part of the floor space.

(d) Additional requirements for dogs. The requirements of this subsection shall be in addition to the requirements in subsections (a), (b), and (e).

(1) Space.

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(A) The licensee shall provide a minimum amount of floor space for each dog housed in the primary enclosure, including each weaned puppy housed in a primary enclosure, using the following calculation: the length of the dog or puppy from the tip of the nose to the base of the tail in inches plus six inches, squared, and then divided by 144, shall equal the required minimum floor space in square feet.

(B) The licensee shall provide each bitch that has nursing puppies with an additional amount of floor space, based upon the dog's breed and behavioral characteristics and in accordance with generally accepted husbandry practices, as determined by the attending veterinarian.

(C) The interior height of a primary enclosure shall be at least six inches higher than the head of the tallest dog in the primary enclosure in a normal standing position.

(2) Prohibited types of primary enclosures for dogs. The tethering of dogs shall be prohibited for use as a permanent primary enclosure.

(e) Innovative primary enclosures. Any licensee may use an innovative primary enclosure not meeting the floor area and height requirements specified in this regulation if the commissioner determines that the primary enclosure will provide the dogs or cats with a sufficient volume of space and the opportunity to express species-typical behavior. (Authorized by and implementing K.S.A. 47-1712; effective P-_____.)

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